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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,858	08/06/2003	Kenji Kitamura	2003-1095A	6552

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EXAMINER

GREEN, ANTHONY J

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,858

Applicant(s)

KITAMURA ET AL.

Examiner

Anthony J. Green

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/20/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is confusing as written. Claim 1 recites that the laking is carried out in the presence of the acrylic polymer however claim 3 seems to suggest that that acrylic polymer is added to the pigment after it has already been laked. Accordingly it is not clear as to how this claim further limits claim 1 and therefor it is confusing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Specification No. 10-046086.

The abstract of the reference and paragraph [0018]-[0019] of the machine translation teaches the formation of an azo lake pigment composition wherein an acrylic polymer is added anytime during the production process. The acrylic polymer is added

in an amount of 0.1-20.0 weight percent based on 100 weight percent of the pigment (see paragraph [0019]).

The instant claims are obvious over the reference. Since the reference teaches that the acrylic polymer may be added at any time during the production process, it would have been obvious to conduct laking of the pigment in the presence of the acrylic polymer without producing any unexpected results. As for the amount of the acrylic polymer, the amount taught by the reference is encompassed by the amounts instantly claimed, thus rendering obvious instant claim 1. As for instant claim 3, again as stated above, since the reference teaches that the acrylic polymer may be added at any time, the method of claim is rendered obvious. Furthermore this claim is confusing as it is unclear as to just what applicant is trying to say (see the 112 second paragraph rejection above). As for instant claim 4, the components recited by applicant are well known components utilized to produce monoazo laked pigment compositions therefore this claim is also rendered obvious. As for instant claim 5 paragraphs [0037]+ of the reference teach that the composition is useful for producing gravure ink compositions. Accordingly instant claim 5 is rendered obvious by the reference.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Specification No. 10-046086 as applied to claims 1 and 3-5 above, and further in view of Japanese Patent Specification No. 07-292274.

Japanese Patent Specification No. 07-292274 teaches, in the abstract and the examples of the machine translation, that it is known to coat monoazo lake pigments

with water soluble acrylic polymers in order to improve the gloss, and for obtaining a gravure printing ink composition excellent in viscosity, long-term stability and gloss (see also paragraphs [0001] and [0003]).

The instant claims are obvious over the reference. The primary reference teaches that it is known to add acrylic polymers to monoazo lake pigments at any time during its production and since the secondary reference teaches that one may coat monoazo lake pigments to produce monoazo lake pigments useful to produce gravure ink compositions excellent in various properties, it would have been obvious to one of ordinary skill in the art to coat the pigment of the secondary reference with acrylic polymer without producing any unexpected results absent evidence showing otherwise and thus arrive at the instant invention.

Information Disclosure Statement

6. The remaining references cited by applicant have been considered however they are not seen to be more pertinent than the art utilized in the above rejections. With respect to the Japanese references utilized in the above rejections, the examiner has ordered complete and formal translations of the documents so that it is clear as to exactly what they teach.

References Cited By The Examiner


7. The references are cited as showing the general state of the art and as such, they are not seen to teach or fairly suggest the instant invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony J. Green
Primary Examiner
Art Unit 1755

ajg
March 21, 2005